

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA, SOUTHERN DIVISION**

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**ASD SPECIALITY HEALTHCARE, INC., d/b/a  
ONCOLOGY SUPPLY COMPANY  
2801 Horace Shepard Drive,  
Dothan, Alabama 36303,**

**Plaintiff,**

**vs.**

**ROBERT G. HICKES, M.D.,  
1301 Trumansburg Road, Suite Q  
Ithaca, New York 14850,**

**Defendant.**

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**CIVIL ACTION NO.:  
1:05CV592-T**

**ANSWER**

COMES now ROBERT G. HICKES, M.D. ("Defendant"), and for his answer to the Complaint says as follows:

1. Defendant is without knowledge and/or information sufficient to form a belief as to the truth of the allegations set forth in paragraphs 1, 3, 5, 13, 19, 20, 25, 26, 27 and 28 of the Complaint, and, therefore, denies same.

2. Defendant admits the allegations set forth in paragraphs 6, 21 and 29 of the Complaint.

3. Defendant denies the allegations set forth in paragraphs 2, 4, 7, 8, 9, 10, 11, 14, 15, 16, 18, 22, 23, 30, 31, 33, 34 and 35 of the Complaint.

4. Defendant repeats and realleges each and every answer with respect to the allegations contained in paragraphs 12, 17, 24 and 32 of Plaintiff's Complaint.

**FIRST AFFIRMATIVE DEFENSE**

Defendant pleads the defense of waiver.

**SECOND AFFIRMATIVE DEFENSE**

Defendant pleads the defense of estoppel.

**THIRD AFFIRMATIVE DEFENSE**

Defendant pleads lack of personal jurisdiction.

**FOURTH AFFIRMATIVE DEFENSE**

Defendant pleads lack of consideration.

\s\ C. Ellis Brazeal III

Attorney for the Defendant, Robert G.  
Hickes, M.D.

**OF COUNSEL:**

Walston, Wells, Anderson & Birchall LLP  
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**CERTIFICATE OF SERVICE**

I do hereby certify that a true and correct copy of the foregoing Answer has been severed electronically to the following said individuals and/or by placing same in the U.S. First Class Mail, as follows:

James J. Robinson  
Heath A. Fite  
BURR & FORMAN LLP  
3100 SouthTrust Tower  
420 North 20<sup>th</sup> Street  
Birmingham, Alabama 35203

This the 26<sup>th</sup> day of August, 2005.

\s\ C. Ellis Brazeal III

OF COUNSEL

